

REMARKS

This Amendment is in response to the Office Action mailed on July 16, 2010. Claims 1, 6, 7 and 13 are amended. Claims 1 and 13 are amended to include features of claim 3 and are supported, for example, in Fig. 5. Claims 6 and 7 are amended to track the amendments to claim 1. Claims 3 and 19 are cancelled without prejudice or disclaimer. Claims 1 and 5-18 are pending.

§102 Rejections:

Claims 1, 3, 9 and 10 are rejected as being anticipated by Anaokar (US Patent No. 7,494,818). This rejection is traversed.

Claim 1 is directed to a test kit that recites, among other features, that the water absorbent carrier includes a laminated portion covered by the penetration layer and a non-laminated sample applying portion extending beyond the penetration layer in a planar direction of the penetration layer for exposure, the sample applying portion of the water absorbent carrier being not covered at all by the penetration layer. Claim 1 also recites that a sample liquid supplied to the sample applying portion of the water absorbent carrier from the upper surface of the water absorbent carrier first is transferred to the penetration layer and then to each of the coloration pads through the penetration layer, and that the water absorbent carrier spreads the sample liquid applied at the sample applying portion in the planar direction of the water absorbent carrier for drawing up by the penetration layer.

Anaokar does not disclose or suggest these features. The rejection interprets the top disbursement layer 38 and the blood separation layer 40 of Anaokar as the water absorbent carrier and the penetration layer, respectively, of claim 1. However, as shown in Figs. 4 and 5 of Anaokar, the top disbursement layer 38 and the blood separation layer 40 are formed to have the same shape. Nowhere does Anaokar disclose or suggest that the top disbursement layer 38 includes a non-laminated sample applying portion extending beyond the blood separation layer 40 in a planar direction of the blood separation layer 40 in a planar direction of the blood separation layer 40 for exposure, the sample applying portion of the top disbursement layer 38 not being covered at all by the blood separation layer 40. Thus, Anaokar fails to disclose or suggest a water absorbent

carrier that includes a non-laminated sample applying portion extending beyond the penetration layer in a planar direction of the penetration layer for exposure, the sample applying portion of the water absorbent carrier being not covered at all by the penetration layer, as required by claim 1.

Also, Anaokar fails to disclose or suggest that a sample liquid supplied to the sample applying portion of the water absorbent carrier from the upper surface of the water absorbent carrier first is transferred to the penetration layer and then to each of the coloration pads through the penetration layer, and that the water absorbent carrier spreads the sample liquid applied at the sample applying portion in the planar direction of the water absorbent carrier for drawing up by the penetration layer.

In contrast, as shown in Fig. 5 of Anaokar, a sample liquid 58 is applied to the top portion of the top disbursement layer 38 and the sample liquid 58 passes through the top disbursement layer 38 before reaching the blood separation layer 40. Nowhere does Anaokar disclose or suggest a structure in which the sample liquid 58 is supplied to the blood separation layer 40 and then the sample liquid 58 is drawn up by the top disbursement layer 38.

For at least these reasons claim 1 is not suggested by Anaokar and should be allowed. Claim 9 and 10 depend from claim 1 and should be allowed for at least the same reasons.

§103 Rejections:

Claims 5-7 are rejected as being unpatentable over Anaokar in view of Ray (US Patent No. 6,258,045). This rejection is traversed. Claims 5-7 depend from claim 1 and should be allowed for at least the same reasons discussed above. Withdrawal of this rejection is requested. Applicants do not concede the correctness of this rejection.

Claims 11 and 12 are rejected as being unpatentable over Anaokar in view of Iwata (US Publication No. 2001/0028862). This rejection is traversed. Claims 11 and 12 depend from claim 1 and should be allowed for at least the same reasons discussed above. Withdrawal of this rejection is requested. Applicants do not concede the correctness of this rejection.

Claims 13-16 are rejected as being unpatentable over Anaokar in view of Goerlach-Graw (US Patent No. 5,424,220). This rejection is traversed.

Claim 13 is directed to a process for producing a test kit that requires, *inter alia*, forming a penetration layer on an upper surface of a water absorbent carrier that includes a laminated portion covered by the penetration layer and a non-laminated sample applying portion extending beyond the penetration layer in the planar direction of the penetration layer for exposure to apply the liquid sample from the upper surface of the water absorbent carrier, the sample applying portion of the water absorbent carrier being not covered by the penetration layer.

The combination of Anaokar and Goerlach-Graw does not teach or suggest these features. The rejection interprets the top disbursement layer 38 and the blood separation layer 40 of Anaokar as the water absorbent carrier and the penetration layer, respectively, of claim 1. However, as shown in Figs. 4 and 5 of Anaokar, the top disbursement layer 38 and the blood separation layer 40 are formed to have the same shape. Nowhere does Anaokar disclose or suggest that the top disbursement layer 38 includes a non-laminated sample applying portion extending beyond the blood separation layer 40 in a planar direction of the blood separation layer 40 in a planar direction of the blood separation layer 40 for exposure, the sample applying portion of the top disbursement layer 38 not being covered by the blood separation layer 40.

Goerlach-Graw is provided for teaching that a reagent liquid is coated using a non-contact dispenser, and does not overcome these deficiencies of Anaokar. Thus, the combination of Anaokar and Goerlach-Graw fails to teach or suggest forming a penetration layer on an upper surface of a water absorbent carrier that includes a laminated portion covered by the penetration layer and a non-laminated sample applying portion extending beyond the penetration layer in the planar direction of the penetration layer for exposure to apply the liquid sample from the upper surface of the water absorbent carrier, the sample applying portion of the water absorbent carrier being not covered by the penetration layer, as required by claim 13.

For at least these reasons claim 13 is not suggested by the combination of Anaokar and Goerlach-Graw and should be allowed. Claim 14-16 from claim 13 and should be allowed for at least the same reasons.

Claims 17-19 are rejected as being unpatentable over Anaokar in view of Goerlach-Graw and further in view of Iwata. This rejection is traversed. Claims 17 and 18 depend from claim 13 and should be allowed for at least the same reasons discussed above. Withdrawal of this rejection is requested. Applicants do not concede the correctness of this rejection.

Conclusion:

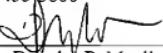
Applicants respectfully request favorable reconsideration of this application in the form of a Notice of Allowance. If a telephone conference would be helpful in resolving any issues concerning this communication, please contact Applicants' primary attorney-of record, Douglas P. Mueller (Reg. No. 30,300), at (612) 455-3804.

Respectfully submitted,



HAMRE, SCHUMANN, MUELLER &
LARSON, P.C.
P.O. Box 2902
Minneapolis, MN 55402-0902
(612) 455-3800

By:


Douglas P. Mueller
Reg. No. 30,300
DPM/AHK

Dated: December 16, 2010